

# **EXHIBIT 25**

Duane Preshinger

April 20, 2006

Helena, MT

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THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

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In re: PHARMACEUTICAL,	)	MDL DOCKET NO.
INDUSTRY AVERAGE WHOLESAL	)	CIVIL ACTION
PRICE LITIGATION	)	01CV12257-PBS

-----)

THIS DOCUMENT RELATES TO: )

ALL ACTIONS )

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DEPOSITION OF DUANE PRESCHINGER

Taken at:

Law offices of

Gough, Shanahan, Johnson & Waterman

33 South Last Chance Gulch

Helena, Montana

April 20, 2006

9:00 a.m.

Henderson Legal Services  
(202) 220-4158

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1 Q. Part of the reason for withdrawing the AWP  
2 minus 25 percent proposal for generics was because  
3 you no longer had the budget restraints that was the  
4 impetus for proposing it in the first place?

5 A. Right.

6 MS. BRECKENRIDGE: Objection.

7 THE WITNESS: That's one of the reasons.

8 Q. (By Ms. Smith-Klocek) Was another reason  
9 for the Department's withdrawal a result of provider  
10 opposition to the rule change?

11 A. There was provider opposition, yes.

12 Q. Was provider opposition part of the  
13 consideration for withdrawing the AWP minus 25  
14 percent proposal?

15 MS. BRECKENRIDGE: Objection.

16 THE WITNESS: It was one of the things  
17 that was taken into consideration, yes.

18 Q. (By Ms. Smith-Klocek) Did you receive  
19 comments or complaints from providers regarding the  
20 AWP minus 25 percent proposal?

21 A. I don't recall. I assume we did.

22 MS. SMITH-KLOCEK: Could we please mark

Henderson Legal Services  
(202) 220-4158

**Peterson, Daniel**

**From:** Buska, Jeff  
**Sent:** Friday, April 04, 2003 1:57 PM  
**To:** Peterson, Daniel; Sliva, Dawn; Driscoll, Geralyn  
**Cc:** Preshinger, Duane  
**Subject:** FW: Medicaid Generic Prescriptions

Comment regarding the rule change.

-----Original Message-----

**From:** Peter Wolfgram [mailto:PWolfgram@bungalowdrug.com]  
**Sent:** Wednesday, April 02, 2003 6:08 PM  
**To:** Jeff Buska  
**Subject:** Medicaid Generic Prescriptions

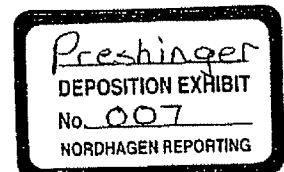
Jeff:

Please forward this to the proper person for the record. I am totally opposed to the proposed cut in the payment for generic prescriptions. I feel that there are other ways of trimming the budget rather than cutting the payments to pharmacies. I have outlined them in previous communications with the department. With the last vestige of pharmacy profit in serious jeopardy, I feel that you will lose the support of the pharmacy community in this state. I for one, will not have much incentive to use generic prescription medication when filling medicaid prescriptions. This proposed cut will have far reaching negative results resulting in less savings than you might anticipate. Answer me the question "After this, Why would I want to work with the DPHHS?"

Peter Wolfgram RPh  
Bungalow Drug, Inc.

pwolfgram@bungalowdrug.com  
<http://www.bungalowdrug.com>

406-587-3609 (work)  
406-587-2714 (Home)  
406-587-9021 (fax)  
406-580-3149 (cell)  
406-580-4668 (cell)



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File  
Dan Peterson

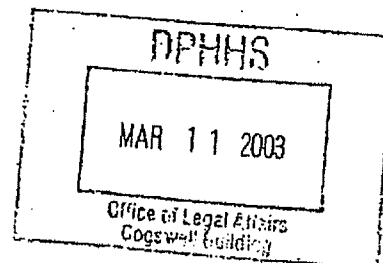
## DRUGMART UNITED PHARMACY



(406) 873-5631

March 11, 2003

MONTANA MEDICAID  
%Kathy Munson Office of Legal Affairs DPHHS  
Box 202951  
Helena, MT 59604



RE: Notice of decrease of Pharmacy reimbursement

Provider # 0000228202 - We will not be providers after April 1<sup>st</sup>, if your new program goes into effect. It is unfortunate that you have targeted the area that could provide the largest incentives for savings in your program. The largest percentage of the pharmacy budget is in Brand Name medications, more generic utilization can save you money.

With this change Montana will be one of the lowest in the nation. Unfortunately, this change brings us to a position in which we would be filling prescriptions at a loss. We can not allow a 10 point reduction in an 8 point spread.

We have reviewed our options. If you reduce our compensation, we have to cut costs either by being open fewer hours or even days, limit the number of clients we accept in the Medicaid program, or completely eliminate the programs that expect us to do business at a loss. To protect the financial stability of our company and the livelihood of our employees, we have decided to not accept the Medicaid generic at -25% program. We are sad about the decision and the impact it will have on the people who live in Glacier County. We will make every effort to notify Medicaid patients of the State's action and focus our concern to the health and well being of our Medicaid patients. These patients cannot and should not have their medication regimen disturbed by this action of the State.

Sincerely, *Ron Campbell* RPh. FACA

Ron Campbell RPh. FACA

For Public hearing 3/19/03

Cc: United Drugs &amp; Montana Pharmacist Association

MT 028948

**YOUR GOOD NEIGHBOR/UNITED DRUGS PHARMACY**  
601 WEST MAIN STREET • CUT BANK, MT • 59427-2829  
PHONE: 406.873-5631 • FAX: 406.873.4714  
DRUGMART@THEGLOBAL.NET

